

Acton Board of Health

December 13, 2010

Members Present: Mark Conoby, Chairman, Bill McInnis, Vice Chairman, Joanne Bissetta, Member, Dr. William Taylor, Member and Michael Kreuze, Member.

Staff Present: Justin Snair, Environmental Health Agent and Isabel Roberts.

Others Present: Richard Presti, Leo Bertalami, Mark Donohoe, P.E.

The meeting was called to order at 7:35pm

Hazardous Materials – 54 Knox Trail – Board of Health Approval

Mr. Snair presented the Board with a request from Mr. Richard Presti, owner of record of the property 54 Knox Trail. The request is a variance from the Town of Acton Hazardous Materials Control Bylaw, section 3.5.1 (e), which states that “all hazardous materials or wastes to be stored above ground shall be stored in product tight containers on an impervious, chemical resistant surface, under cover and sheltered from the weather unless otherwise specified by the Board of Health. The storage area shall be enclosed with a permanent dike of impervious construction providing volume of at least 100% of the maximum volume of the largest single container or tank plus 10% of the total storage capacity. All outdoor storage shall be surrounded by a 5 foot fence, at a minimum, and shall be kept locked at all times when unattended.”

Mr. Snair informed the Board that whilst responding to a complaint at 54 Knox Trail, it was discovered that a large number of the units are either storing or using hazardous materials without a permit. It should be noted that heating oil is the primary heating source and the above requested variance only applies to the oil used for heating and not to any other hazardous materials onsite. Due to the location of the Above Ground Storage Tanks, berming is not a preferable option, additionally, Mr. Presti stated he would ideally like to continue to replace the tanks, but due to the financial burden it is not possible to replace all the AST's at once. The cost for replacing the AST's would be approximately \$200,000 (40 @ \$5,000). The

assessed value of the property is approximately \$2,000,000. Replacing approximately 40 AST's prior to the issuance of permit, would not be financially possible for Mr. Presti.

In order to gain compliance Mr. Presti requested permission from the Board to allow for a phased approach to compliance by replacing all single walled AST's with double walled compliant AST's. Mr. Snair added that a phased approach shall be subject to review by the Health Department after 5 years from the date of approval.

The Health Department recommends approval with the following conditions:

1. Utilizing a phased replacement plan, the property owner shall replace all non-compliant AST's with double walled AST's.

The Phased Replacement Plan shall be submitted to the Health Department within 180 days and subject to the following conditions

- The phased plan shall be subject to review by the Health Department after 5 years from date of approval, with onsite progress reviews conducted during annual inspections.
- Pending due diligence from the property owner, the Health Department may extend the phased compliance plan as deemed necessary.
- A prioritized replacement schedule shall be established by the Health Department and shall be based upon location, risk, and condition of the AST.
- The phased plan shall include a emergency response plan and a monthly self inspection program, which shall be made available to the Health Department on request.

On a motion made by Mr. Kreuze, seconded by Ms. Bissetta, the Board unanimously voted to approve the phased approach compliance plan for 54 Knox Trail, with conditions as noted above.

50-56 Powder Mill Road – Board of Health Approval

The Health Department is in receipt of a request from Acton Survey and Engineering, requesting approval for the redevelopment of the property located at 50-56 Powdermill Rd. The proposal includes the demolition of the current building (Prescott Mills) and the construction of a new eight bay automotive repair shop with a small waiting area.

The existing septic system has a capacity of 661 GPD. The closest Title 5 system sewage flow design criteria states that 150 GPD per bay should be utilized for a total of 1200 GPD. Mr. Leo Bertalomi, the owner of the property provided the Health Department with water records for his existing 18 bay automotive repair shop at Acton Ford, since these two businesses are very similar. The water records show a use of 51.04 GPD per bay. The Health Department recommends approval using actual water flows x2 allowing for approval of six bays, additionally, after 6 months Mr. Bertalomi shall provide to the Health Department water records in order to determine if two additional bays can be built/utilized.

The Board asked if the proposed construction would utilize floor drains. Mr. Bertalomi stated that the site would have floor drains, served by a tight tank, in turn having no impact on the septic system. The Board also discussed the possibility of reducing the water use by implementing "low flow" fixtures at the site, as well as the action plan if the water records show an excessive water use – over 661 GPD.

Due to the limited water use currently being used at Acton Ford the Board decided to allow 8 bays at this time with the condition that if the flow rate exceeds the approved gallons per day then implementation of an approved Innovative Alternative Sewage Disposal System shall be installed.

On a motion made by Ms. Bissetta, seconded by Mr. McInnis, the Board voted four to one for the approval of an 8 bay automotive repair shop, with no more than 661 GPD, at the property located at 50-56 Powdermill Road with conditions as follows:

1. The total flow for the property must not exceed 661 GPD.
2. A total of no more than 8 (eight) bays have been approved by the Board of Health at their regular scheduled meeting on December 13, 2010.
3. A passing Title 5 Inspection report for the property located at 50-56 Powder Mill Rd shall be submitted to the Health Department, prior to the Health Department sign off on the Occupancy Permit.
4. All fixtures shall be replaced with "low flow" fixtures.
5. Water records for the property shall be submitted to the Health Department every 6 (six) months, starting from date of occupancy.

6. If the flow rate exceeds the approved gallons per day then implementation of an approved Innovative Alternative Technology Sewage Disposal System shall be required. In addition to this a Title 5 Inspection will be completed 12 months after the issuance of the Certificate of Compliance and submitted to the Health Department.
7. The Health Department shall review compliance with the above conditions annually.

Water District Discussion

Mr. Kreuze stated that there was nobody available from the Acton Water District to attend tonight's meeting, but he is looking into a future date for a meeting. Mr. Kreuze went on to say that after reading the report there were a number of health related observations that he would like to discuss with a representative from the Acton Water District.

The Board agreed that a collaborative information exchange would be scheduled for the next Board of Health meeting.

Adjournment

On a motion made by Dr. Taylor, seconded by Ms. Bissetta, the Board unanimously voted to adjourn at 8:30PM.

Respectfully Submitted,



Isabel Roberts, Health Secretary
Acton Board of Health



Mark Conoby, Chairman
Acton Board of Health

Town of Acton Board of Health

Meeting Agenda

**December 13, 2010
Acton Memorial Library
7:30 p.m. – 9:00 p.m.**

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7:30

**Hazardous Materials – Compliance Time-Line
Knox Trail Industrial Site**

7:45

50-56 Powder Mill Rd – Board of Health Approval

8:00

Water District Discussion

**Minutes
October 18, 2010
November 15, 2010**